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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,237	08/05/2003	John R. Bucknell	706719US1	6401

7590 03/23/2004

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EXAMINER	
TANNER, HARRY B	

ART UNIT	PAPER NUMBER
3744	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/634,237	BUCKNELL ET AL.	
	Examiner	Art Unit	
	Harry B. Tanner	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 8, 11, 16, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 4, 11 and 19, it is not clear what "low power" means. With respect to claims 8, 16 and 20, it is not clear under what circumstances the loop is to be actuated to load the system and brake the vehicle engine, i.e. the air conditioning system will inherently be loaded and the vehicle engine "braked" whenever the loop is actuated.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4-7, 9, 11 and 13-15 are rejected under 35 U.S.C. 102(a) as being anticipated by Sealy et al. Sealy discloses an intercooler 18 for a vehicle having a exhaust gas turbocharger or supercharger (see col. 2,lines 41-48) with a charge air cooler loop 15, and an air conditioning system bypass loop 38 in which the bypass loop is controlled to modulate the load on the air conditioning system (see col. 2, lines 60-65) and the bypass loop is actuated when peak acceleration performance is desired (see col. 3, lines 15-28).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-3, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sealy et al in view of Coletti. Sealy et al is applied as in the rejection of claim 1 above. Coletti teaches the use of a low temperature reservoir 24 in a charge air cooler loop 46, 48 in order to store liquid cooled by the refrigerant system 32, 36, 34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Sealy such that it included the use of a low temperature reservoir in the charge air cooler loop in order to store liquid cooled by the refrigerant system in view of the teachings of Coletti.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sealy et al in view of Fukushima et al. Sealy et al is applied as in the rejection of claim 1 above. Fukushima teaches operating the air conditioning system when the vehicle is being braked in order to help stop the vehicle and use the kinetic energy of the moving vehicle (see col. 3, line 54 to col. 4, line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Sealy such that it included operating the air conditioning system when the vehicle is being braked in order to help stop the vehicle and use the kinetic energy of the moving vehicle in view of the teachings of Fukushima.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sealy et al in view of Karl. Sealy et al is applied as in the rejection of claim 1 above. Karl teaches the use of a refrigeration system in order to cool air that is naturally aspirated into a vehicle engine. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Sealy such was used in a vehicle in which the air was naturally aspirated into a vehicle engine in view of the teachings of Karl.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sealy et al in view of Karl as applied to claim 17 above, and further in view of Fukushima et al as applied to claim 8 above.

Harry B. Tanner
Primary Examiner

Harry Tanner
March 19, 2004
703-308-2622